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7
8 UNITED STATES DISTRICT COURT
9 SOUTHERN DISTRICT OF CALIFORNIA
10

11 A.J. OLIVER,

12 Plaintiff,

13 v.

14 LONGS DRUG STORES
CALIFORNIA, INC. dba LONGS
15 DRUGS STORE #55; LONGS DRUG
STORE, INC.

16 Defendants.
17

CASE NO. 07CV 2302IEG (BLM)

**REQUEST FOR JUDICIAL NOTICE
IN SUPPORT OF MOTION TO
DECLINE SUPPLEMENTAL
JURISDICTION AND TO DISMISS
PLAINTIFF'S STATE LAW CLAIMS
[28 U.S.C. § 1367(C)]**

**[Filed concurrently with Notice of
Motion, Memorandum of Points and
Authorities and [Proposed] Order]**

Date: February 19, 2008

Time: 10:30 a.m.

Dept.: Courtroom 1

Judge: Hon. Irma E. Gonzalez

ACTION FILED: December 7, 2007

18 Pursuant to Federal Rule of Evidence 201, Defendant LONGS DRUG
19 STORES CALIFORNIA, INC. ("Longs") hereby submits the following Request for
20 Judicial Notice in Support of its Motion to Decline Supplemental Jurisdiction and to
21 Dismiss Plaintiff's State Law Claim [28 U.S.C. § 1367(c)]:

22 1. Longs hereby requests the Court take judicial notice of the January 17,
23 2007, denial of the California Supreme Court of the petition for review of
24 plaintiff/appellant David Gunther on the decision of Gunther v. Lin, 144 Cal.App.4th
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223 (4th Dist. 2006). A true and correct copy of which is attached hereto as Exhibit
“A.”

2. Longs hereby requests this Court take judicial notice of its decision in
Cross v. Pacific Coast Plaza Invest. No. 06CV2543 JM(RBB) (SD Cal. Mar. 6,
2007), a true and correct copy of which is attached hereto as Exhibit “B.”

3. Longs hereby requests this Court take judicial notice of the November
16, 2007 decision of the United States District Court for the Southern District of
California in A.J. Oliver v. GMRI, Inc., 07CV1719-IEG (WMc), a true and correct
copy of which is attached hereto as Exhibit “C.”

4. Longs hereby requests this Court take judicial notice of the March 22,
2007 decision of the United States District for the Eastern District of California in
Wilson v. Haria and Gogri Corp., 2007 WL 851744 (ED Cal. 2007), a true and
correct copy of which is attached hereto as Exhibit “D.”

4. Longs hereby requests this Court take judicial notice of the May 29,
2007 decision of the United States District Court for the Southern District of
California in Cross v. Boston Market Corp., 07CV486(LSP), a true and correct copy
of which is attached hereto as Exhibit “E.”

DATED: January 7, 2008

JOHN L. BARBER
MELISSA T. OMANSKY
LEWIS BRISBOIS BISGAARD & SMITH LLP

By


John L. Barber
Melissa T. Omansky
Attorneys for Defendant LONGS DRUG
STORES CALIFORNIA, INC.

FEDERAL COURT PROOF OF SERVICE

Oliver v. GMRI, Inc., et al. - File No. F023-01

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

I am employed in the County of Los Angeles, State of California. I am over the age of 18 and not a party to the within action. My business address is 221 North Figueroa Street, Suite 1200, Los Angeles, California 90012.

On January 7, 2008, I served the following document described as **REQUEST FOR JUDICIAL NOTICE IN SUPPORT OF MOTION TO DECLINE SUPPLEMENTAL JURISDICTION AND TO DISMISS PLAINTIFF'S STATE LAW CLAIMS [28 U.S.C. § 1367(C)]** on all interested parties in this action by placing ☒ a true copy ☐ the original thereof enclosed in sealed envelopes addressed as follows:

Lynn Hubbard, III, Esq.
ScottLynn Hubbard, IV, Esq.
Law Offices of Lynn Hubbard
12 Williamsburg Lane
Chico, California 95926
Tel.: (530) 895-3252
Fax: (530) 894-8244

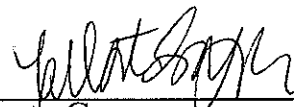
☒ (BY COURT'S CM/ECF SYSTEM) Pursuant to Local Rule, I electronically filed the documents with the Clerk of the Court using the CM/ECF system, which sent notification of that filing to the persons listed above.

☐ (BY PERSONAL SERVICE) I delivered the foregoing envelope by hand to the offices of the addressee.

☐ (STATE) I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

☒ (FEDERAL) I declare that I am employed in the office of a member of the bar of this Court at whose direction the service was made.

Executed on January 7, 2008, at Los Angeles, California.


Celeste Granger